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09/892,043	06/26/2001	Dale F. McIntyre	83013F-P	1730

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,043

Applicant(s)

MCINTYRE, DALE F.

Examiner

Jean B Fleurant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-24 are pending for examination.

Information Disclosure Statement

2. The references cited in the IDS, PTO-1449 have been fully considered.

Drawings

3. The drawings are accepted by the Examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens et al. (US Pat. No. 6,321,231) ("Jebens").

As per claims 1, 12 and 24, Jebens teaches a method for providing an automatic service over a communication network to a user based on stored instructions by a user on a user computer (see col. 22, lines 58-66) as claimed, comprises the steps of a service provider automatically obtaining instructions stored on a user computer over said communication network (thus, when a file is detected in a destination folder, the hot folder system automatically moves the files to a processing queue and then compresses the file per predetermined

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compression settings, the communication portion of the local computer then establishes a connection with the host site 10, or other destination by automatically dialing or sending a network request, establishes a valid communication link, passes identification information to the destination computer and once communication link is established and transmits the file; which is readable as a service provider automatically obtaining instructions stored on a user computer over said communication network)(cols. 18-19, lines 63-66). But, Jebens does not explicitly indicate said instructions being associated with a digital media file stored on said user computer; and implementing said instructions with respect to said associated digital image file. However, Jebens implicitly indicates upon receiving the digital image file, the hot-folder software at the host site 10 automatically decompresses the file and stores it to a receiving folder 716, the decompression and routing to the appropriate receiving folder 716 is performed pursuant to predetermined settings in the configuration database 720 at the host site 10 and the image file remains in a receiving folder 716 until the autolog server 34 is free to process the file; which is readable as said instructions being associated with a digital media file stored on said user computer, (see col. 19, lines 27-36); and the activity database 725 is updated by the autolog server 34 to log the arrival of the new file, a new item record is stored in the image database 727, if the new file is an image file and a thumbnail representation of the new file is stored in the image database 727 with the item record; which is readable as implementing said instructions with respect to said associated digital image file, (see col. 19, lines 37-46). Thus, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teachings of Jebens with said instructions being associated with a digital media file stored on said user computer; and implementing said instructions with respect to said associated digital

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image file. This modification would allow the teachings of Jebens to improve the accuracy and the reliability of the method and system for managing images over a communication network using user provider instructions, and provide an intelligent order delivery system which achieves an automatic, integrated workflow for transferring digital assets between multiple users, (see col. 24, lines 2-4).

As per claims 2 and 14, Jebens teaches a method according as claimed where said instruction comprises instructions relating the sale of rights to use and/or reproduce said image (see col. 9, lines 47-51).

As per claims 3 and 15, Jebens teaches a method according as claimed where said instruction comprises the purchase, use, or sale of an item displayed in said image (thus, the administrative workstation begins the housekeeping routine by generating an invoice for each of the image provider users 14, these invoices are developed by reference to the activities logged in the activity log during a pre-defined billing period, predefined ones of the events are assigned a charge by the system, all of the charges for a given image provider user 14 are preferably automatically organized and displayed in an invoice; which is readable where said instruction comprises the purchase, use, or sale of an item displayed in said image)(see col. 17, lines 43-51).

As per claims 4 and 16, Jebens teaches a method according as claimed wherein said instruction was entered on a form, (see col. , 17, lines 43-46).

As per claims 5 and 17, Jebens teaches a method according as claimed wherein said form is displayed in association with said image (thus, if the user requests thumbnails the internet server 24 will utilize the thumbnail pathnames stored in the item records identified by the search to locate and display thumbnail depictions of the search results on the user's display device, if the

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stored data files are not image files, dummy thumbnails in the form of standardized icons will preferably be displayed; which is readable as wherein said form is displayed in association with said image)(see col. 12, lines 45-55).

As per claims 6 and 18, the limitations of claims 6 and 18 are rejected in the analysis of claim 1, and these claims are rejected on that basis.

As per claims 7 and 19, Jebens teaches a method according as claimed wherein the service provider recognizes that a digital image file has been identified for a service during a routine communication interval (thus, the low-resolution images downloaded to the agency preferably have a relatively low bandwidth communication requirement and can be transmitted in a relatively short amount of time; which is readable as wherein the service provider recognizes that a digital image file has been identified for a service during a routine communication interval)(see col. 5, lines 24-35).

As per claims 8 and 20, Jebens teaches a method according as claimed wherein an electronic form is provided to the user by service provider in response to discovering of the identified digital image file (thus, the administrative workstation begins the housekeeping routine by generating an invoice for each of the image provider users 14, these invoices are developed by reference to the activities logged in the activity log during a pre-defined billing period, predefined ones of the events are assigned a charge by the system, all of the charges for a given image provider user 14 are preferably automatically organized and displayed in an invoice; which is readable as wherein an electronic form is provided to the user by service provider in response to discovering of the identified digital image file)(see col. 17, lines 43-51).

As per claims 9 and 21, Jebens teaches a method according as claimed a metadata field of the identified digital image file is modified to reflect the data added to the electronic form (thus, the work order includes a file containing information developed by the first user outside of the system and the job order includes the file, the file may comprises a page description language file, in any of the foregoing embodiments, the work order can identify digital data contained in the subset and the job order can include the digital data identified in the work order; which is readable as a metadata field of the identified digital image file is modified to reflect the data added to the electronic form)(see col. 3, lines 59-65).

As per claims 10 and 22, Jebens teaches a method according as claimed wherein the metadata field is provided in said service provider computer, (see col. 2, lines 47-49).

As per claims 11 and 23, Jebens teaches a method according as claimed wherein the metadata field is provided in said user computer, (see col. 2, lines 47-49).

As per claim 13, in addition to the discussion in claim 1, Jebens further teaches said associated digital image file representing an image (thus, translating the digital images received by the system into a file format defined by the first asset provider user before storing the digital images in the storage device; which is readable as associated digital image file representing an image)(see col. 27, lines 44-47).

Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Jebens et al. US Patent No. 6,332,146, relates to digital images. Patton et al. US Patent No. 6,408,301, relates to image capturing, storing.

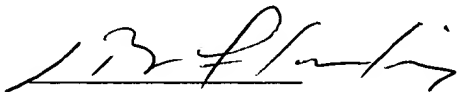
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Conclusion

6. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

2003-06-24

JBF/

